



Federal Communications Commission
Washington, D.C. 20554

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DA 17-11

James Edwin Whedbee
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Gladstone, MO 64119-2236

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Burke, VA 22015

Dear Messrs. Whedbee and Siegell:

We have before us petitions for rulemakings filed by James Edwin Whedbee¹ and Jeffrey H. Siegell.² Mr. Whedbee requests that the Commission amend part 97 of the Commission's rules "to reduce the number of amateur radio operator classes to Technician, General, and Amateur Extra, to merge into the Technician class all Novice class operators, to merge into the Amateur Extra class all Advanced class operators, to establish the procedures governing such mergers, and for related purposes."³ Mr. Siegell requests that the Commission amend part 97 to grant Advanced Class license holders Morse code operating privileges equal to those of Amateur Extra Class licensees.⁴ Thus, Mr. Siegell's proposed rule change is subsumed within the changes Mr. Whedbee requests, so our analysis is the same for both proposals. For the reasons discussed below, we dismiss both petitions.

Among the principles underlying part 97 of the Commission's rules are the "[c]ontinuation and extension of the amateur's proven ability to contribute to the advancement of the radio art"⁵ and the "[e]ncouragement and improvement of the amateur service through rules which provide for advancing skills in both the communication and technical phases of the art."⁶ Licenses to operate amateur stations are granted to individuals by the Commission once applicants demonstrate an understanding of both pertinent FCC regulations and adequate knowledge of radio station operations and safety considerations.⁷

In 1999, the Commission streamlined its amateur licensing system into three classes: Technician, General, and Amateur Extra.⁸ New licenses are no longer issued for the discontinued Novice and

¹ See James Edwin Whedbee Petition for Rulemaking/Informal Request in the Nature of a Petition for Rulemaking (Mar. 24, 2016) (Whedbee Petition).

² See Jeffrey H. Siegell Petition for Rulemaking (July 28, 2016) (Siegell Petition).

³ Whedbee Petition at 1.

⁴ See Siegell Petition at 1.

⁵ 47 CFR § 97.1(b).

⁶ 47 CFR § 97.1(c).

⁷ See 47 CFR § 97.503.

⁸ See 1998 Biennial Regulatory Review – Amendment of Part 97 of the Commission's Amateur Service Rules, Report and Order, 15 FCC Rcd 315, 322, para. 13 (1999) (*Restructure Report and Order*).

Advanced classes, but existing licenses can be renewed.⁹ The Commission concluded that the three-class structure would streamline the licensing process while still providing an incentive for licensees to advance their communication and technical skills.¹⁰ It specifically rejected suggestions that Novice and Advanced class licensees be automatically upgraded to a higher class, concluding that it would be inappropriate for these licensees to “receive additional privileges without passing the required examinations elements.”¹¹ In 2005, the Commission denied another request that Novice and Advanced class licensees be automatically upgraded, again concluding that it was not be in the public interest to grant these licensees privileges that they could obtain by passing the examination elements for the higher license classes.¹²

Your petitions essentially urge the Commission to afford Novice and Advanced class operator licenses the operating privileges of, respectively, General and Amateur Extra Class operator licenses. Holders of discontinued licenses would thereby achieve an upgrade to the next higher class without having to pass the requisite examination element for the higher class. The Commission has rejected this idea, and your petitions do not demonstrate or even suggest that any relevant circumstances have changed that would merit reconsideration of those decisions.

Based on our review of the record, we are not persuaded that your petitions disclose sufficient grounds for the requested rule changes. Mr. Whedbee argues that automatically upgrading licensees in the discontinued classes would simplify the rules and reduce the Commission’s administrative burdens and costs,¹³ but he provides no evidence to suggest that an administrative problem even exists.¹⁴ Moreover, such benefits would not outweigh the public interest in ensuring that amateur operators have the requisite incentive to advance their skill and technical knowledge in order to contribute to the advancement of the radio art and improvement of the amateur radio service.

The Commission has already concluded that it will not automatically grant additional privileges to the discontinued license classes. Consequently, we conclude that the above-referenced petitions for rulemaking do not warrant further consideration at this time.

Accordingly, IT IS ORDERED, pursuant to sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and section 1.401(e) of the Commission’s rules, 47 CFR § 1.401(e), that the petitions for rulemaking filed by James Edwin Whedbee on March 24, 2016, and Jeffrey H. Siegell on July 28, 2016, ARE DISMISSED.

⁹ See 47 CFR §§ 97.17(a), 97.21.

¹⁰ See *Restructure Report and Order*, 15 FCC Rcd at 322-23, para. 13.

¹¹ See *id.* at 323-34, para. 15.

¹² See *Amendment of Part 97 of the Commission’s Rules to Implement WRC-03 Regulations Applicable to Requirements for Operator Licenses in the Amateur Radio Service*, Notice of Proposed Rulemaking and Order, 20 FCC Rcd 13247, 13263-64, paras. 31-32 (2005).

¹³ See Whedbee Petition at 2.

¹⁴ Cf. *Mark F. Krotz*, Order, 31 FCC Rcd 7049, 7049-50, para. 3 (WTB MD 2016) (concluding that a petition proposing that part 97 be amended to grant amateur licenses for the holder’s lifetime did not demonstrate that the rule change would reduce the Commission’s administrative burdens and costs).

Messrs. Whedbee and Siegel

This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
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